

that he finds this will not serve his opposition, he has introduced another legal opinion.

6. Upon a fair construction of the Will, it may be safely held that the Testator, when he declared that all his children should share in the residue of his estate, meant that the actual enjoyment should be postponed till the death of his widow—not in order that any of these shares should be contingent upon survivorship of her, but that her large annuity should be adequately secured, and this reason is apparent without Mrs. Goodhue's express testimony, when it is known that the Testator had invested largely in the Three per Cents in England, that he contemplated further investments there, and when it can be proved that he believed his estate would not be in excess of \$300,000.

7. Further, it can be proved that by the six deeds of settlement the Testator tied up for the benefit of his grandchildren as much of his estate as he intended, and anxiety that his widow should be amply secured in her annuity was what influenced him when he wished his will to be prepared. Mr. Becher himself, between the date of the will and the decease of Mr. Goodhue, informed me (Mr. Thomas) that under the will the Trustees could give the children the greater bulk of the estate. His exact words were: "My dear fellow, you need not be uneasy or troubled about the will. I see nothing in it to prevent a division of the larger portion of the property on Mr. Goodhue's decease." I interrogated him. "Do you really mean that you have it in your power and are willing to divide the greater part of the property at Mr. Goodhue's death?" On his answering in the affirmative, I replied, "That being the case, I am satisfied. I will do nothing further, and will refrain from seeing Mr. Goodhue on the subject."

8. It follows that Mr. Becher made this statement either in order to deceive Mr. Thomas, or in belief of its truth; the latter may be the more just conclusion, especially as we find Mr. Becher in his letter of the 10th of February last expressing similar views. If Mr. Becher then believed that the Trustees under the will had power to distribute the great bulk of the estate amongst the children, how can he assert that he was instructed to prepare the will otherwise.

9. We do not desire to throw any imputations upon Mr. Becher,